

REMARKS

Claims 1-14 are pending. By this Amendment, independent claims 1 and 4 are amended.

No new matter is added by these amendments. Reconsideration in view of the above amendments and following remarks is respectfully requested.

Applicants appreciate the indication in the Office Action that claims 12 and 13 contain allowable subject matter and would be allowed if rewritten in independent form including all of the features of the base claim and any intervening claims.

I. Claim Rejections-35 U.S.C. § 102(e)

The Office Action rejects claims 1-11 and 14 under 35 U.S.C. § 102(e) being anticipated by U.S. Patent No. 6,505,059 to Kollias et al. ("Kollias"). The rejection is respectfully traversed.

Kollias is directed to a device and methods for monitoring and regulating glucose levels and for evaluating the superficial structural matrix or cellular components of a tissue. Kollias, col. 3, ll. 59-63. Kollias discloses the measuring of fluorescence following irradiation of a tissue surface of a patient, such as the patient's skin, in order to evaluate patient glucose levels.

Kollias, col. 3, ll. 64-67. Kollias also discloses a non-invasive device for assessing changes in the superficial structural matrix or the environment of matrix components due to a variety of disease conditions. Kollias, col. 14, ll. 48-51. This embodiment of Kollias allows the non-invasive assessment of changes in the structural matrix by measuring the combination of fluorescence and scattering, and comparing these results to measurements of developed

standards, temporal correlates or surrounding normal tissue. Kollias, col. 14, ll. 51-56.

In contrast, Applicants' invention provides a database including predetermined signature data for a plurality of chemical substances, wherein the plurality of chemical substances comprises at least one of a drug, a medication, a compounded medication, a compounded chemical formulation, a controlled substance, a narcotic, an illegal drug, an alcohol, a food product and a perfume. Applicants' invention is not directed to non-invasive analysis of the human body for determination of glucose levels or changes in skin or in skin conditions as disclosed in Kollias. In particular, Kollias does not provide for a database, and does not provide for the ability to analyze the types of chemical substances as claimed in Applicants' invention (*i.e.*, at least one of a drug, a medication, a compounded medication, a compounded chemical formulation, a controlled substance, a narcotic, an illegal drug, an alcohol, a food product and a perfume).

Thus, it is respectfully submitted that Kollias fails to teach the invention of independent claims 1 and 4 of Applicants' invention. Withdrawal of the rejection of independent claims 1 and 4 under 35 U.S.C. § 102(e) is respectfully requested. Furthermore, Applicants respectfully submit that dependant claims 2, 3 and 5-14 are distinguishable over the applied reference in view of the points discussed above and in view of the additional features they recite.

Response and Amendment
Attorney Docket No.: 86581-0004 CIP

CONCLUSION

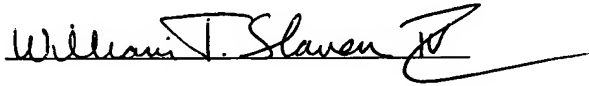
In view of the foregoing, Applicants respectfully request reconsideration and allowance of the above-identified application. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's representative at the telephone number listed below.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1349. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account

Respectfully submitted,

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